IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

INCOME TAX APPEAL NO. 836 OF 2002

The Commissioner of Income-tax,
Mumbai City-XVI,Mumbai — Appellant

vs.

M/s. Bharat Eloxal Industries,Mumbai. — Respondent

Ms.S.V. Bharucha i/b. Mr.K.B. Rao for the Appellant.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 15th September 2004

P.C.

Heard.

2. The issue raised in the appeal stands answered by the Division Bench judgment of this Court in the case of Cadell Weaving Mill Co.Pvt.Ltd. v. Commissioner of Income-tax, 249 ITR 265. However, the learned counsel for the revenue submits that the said judgment is under challenge before the Supreme Court. Even if that be so, in so far as we are concerned the issue stands concluded by the Division Bench judgment of this Court.

3. No substantial question of law arises.

4. Appeal is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)